

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

LODSYS, LLC,

Plaintiff,

V.

CIVIL ACTION NO. 2:11-cv-283 (DF)

ADIDAS AMERICA INC.;
BBY SOLUTIONS, INC.;
BEST WESTERN INTERNATIONAL, INC.;
CVS CARMARK CORPORATION;
SAM'S WEST, INC.;
STANLEY, BLACK & DECKER, INC.;
THE CONTAINER STORE, INC.;
THE TEACHING COMPANY, LLC;
VEGAS.COM, LLC;
VITAMIN SHOPPE, INC.,

Defendants.

ORDER

Having considered Plaintiff Lodsys, LLC (“Lodsys”) and Defendants adidas America, Inc. (“adidas”) and Vitamin Shoppe, Inc. (“Vitamin Shoppe”) Joint Motion to Dismiss Certain Claims Without Prejudice based on the settlement of certain claims asserted by and between them, the Court finds that good cause exists for granting the motion. The Joint Motion to Dismiss Certain Claims Without Prejudice is GRANTED. It is hereby

ORDERED, ADJUDGED AND DECREED that the following claims are hereby dismissed without prejudice:

- (a) Lodsys's claim for "Infringement Of U.S. Patent No. 5,999,908" against adidas, and any and all other claims for infringement against adidas, to the extent such claims relate to products and/or services provided to adidas by ForeSee;
- (b) Lodsys's claim for "Infringement Of U.S. Patent No. 5,999,908" against Vitamin Shoppe, and any and all other claims for infringement against Vitamin Shoppe, to the extent such claims relate to products and/or services provided to Vitamin Shoppe by ForeSee;

It is further ORDERED that all costs, expenses, and attorneys' fees related to the above-listed claims are to be borne by the party that incurred them.

So ORDERED.

SIGNED this 6th day of December, 2011.

A handwritten signature in black ink, appearing to read "David Folsom", written over a horizontal line.

DAVID FOLSOM
UNITED STATES DISTRICT JUDGE